

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
ADONNA FROMETA,

Index No.: 07CIV6372

**PLAINTIFF'S AFFIDAVIT**

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS  
RECYCLING

Defendants.

-----X  
STATE OF NEW YORK )  
                      ) s.s.:  
COUNTY OF NEW YORK )

ADONNA FROMETA, being duly sworn, deposes and says under the penalties of perjury:

1. I am the Plaintiff in the above captioned matter, and as such I am fully familiar with the facts and circumstances contained herein. I am submitting this affidavit in support of the motion for Summary Judgment on the issue of liability.
2. On February 14<sup>th</sup>, 2007, I was a seat belted driver of a motor vehicle struck in the rear by the vehicle owned by defendant ALL AMERICAN HAULERS RECYCLING and operated by defendant MARIO E. DIAZ-DIAZ, at the intersection of 23<sup>rd</sup> Street and Lexington Avenue, County of New York, State of New York.
3. I had no prior indication of the rear end impact before I felt it. The impact was very heavy and it bounced me forward and backwards, as the defendant's sanitation truck was crushing into my vehicle.
4. I was immediately transported by the ambulance to the emergency room of the Cabrini Medical Center.
5. As a result of this accident I sustained serious and permanent injuries including but not limited to: Surgery - right sided L5-S1 hemilaminotomy, medial facetectomy with a removal of herniated disc; Surgery - diagnostic diskogram at C3-C4; Three Cervical Epidural Steroid Injections to neck; Facet nerve injections to the right and left neck; Herniated lumbar disc L5-S1; L5-S1 diminished disc space height, disc hydration loss and anterior disc extension and anterior disc extension and anterior spurring with adjacent osseous vertebral edema as well as posterior disc herniation; L5-S1 intervertebral disc

space narrowing with anterior productive changes; L3-4 and L4-5 posterior disc bulges; Right L5-S1 radiculopathy; Neuropathic pain syndrome; C3-4 posterior disc herniation with ventral CSF impression; C2-3 and C4-5 posterior disc bulges; T1-2 and T2-3 eccentric left-sided peripheral disc herniations; Left maxillary thickening compatible with sinusitic change; flattening at the anterosuperior margin of the C6 vertebral body; Right C5-6 radiculopathy.

6. At the time of the accident I was fully stopped at the intersection of 23<sup>rd</sup> Street and Lexington Avenue for approximately five seconds for the red light controlling my direction of traffic.
7. My vehicle was hit in the rear by a sanitation truck and as a result of this heavy impact I lost consciousness.
8. At the time of impact the traffic light in front of me controlling the intersection of 23<sup>rd</sup> Street and Lexington Avenue was red and I was waiting for it to change to be able to proceed east on 23<sup>rd</sup> Street.
9. That I understand and am informed by my attorney, SLAWEK W. PLATTA, PLLC that I have a good and meritorious cause of action and I verily believe same to be true.



Adonna Frometa

Sworn to be before me this

April 1, 2008

SLAWOMIR W. PLATTA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02PL6171290  
Qualified in Kings County  
My Commission Expires July 23, 2011



Notary Public